

SENATE BILL 2280
By Kyle

AN ACT to amend Tennessee Code
Annotated, Title 68, Chapter 11, Part
2, relative to fees for licensure of
health care facilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

Section 1. Tennessee Code Annotated, Section 68-11-216 is amended by deleting subsections (a), (b) and (e) in their entirety and substituting instead the following new subsections (a) and (b):

(a) (1) The board is authorized to promulgate, in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, such rules and regulations as are necessary to set fees for licensure, renewal of licensure, late renewal fees and such other fees as are necessary to comply with the intent of subsection (b) of this section for the entities and facilities listed in section 68-11-202(a)(1). Such entities and facilities, except those operated by the United States government or the state of Tennessee, shall make application for licensure and renewal under this part and shall pay the fees applicable to them to the department for regulatory purposes.

(2) Provided however, the licensure and annual renewal fees for the following types of home care organizations shall not exceed 25% of the total licensure and annual renewal fees set by the board for all other home care organizations:

- (A) Home care organizations that also pay a fee to be licensed by the department of mental health and developmental disabilities;
- (B) Home care organizations owned and operated by therapists who pay a fee to be licensed under title 63, chapter 13 or chapter 17; or
- (C) Home care organizations that are owned and controlled by another home care organization that pays an annual license or renewal fee.

(3) Excluded from payment of the fees as an ambulatory surgical treatment center and an outpatient diagnostic center are hospital based ambulatory surgical treatment centers and outpatient diagnostic centers which are included in the licensing and renewal fee of the hospital in which they are located.

(b) (1) The fees established by the board shall be submitted with the appropriate applications; all fees so collected shall be deposited by the department with the state treasurer to the credit of the general fund and shall be expended by the department and included in the appropriation made for the board in the general appropriations act.

(2) It is the intent of the general assembly that the board for licensing health care facilities establish and collect fees in an amount sufficient to pay the costs of operating the board, including, but not limited to, licensure and inspection costs. On or before December 31st of each year, the commissioner shall certify and report to the government operations committee of each house and the Tennessee code commission if the board for licensing health care facilities did not, during the fiscal year, collect fees in an amount sufficient to pay the costs of operating the board. If the board fails to collect sufficient fees to pay the costs of operating the board for a period of two (2) consecutive fiscal years, the board shall be reviewed by the joint evaluation committees and shall be subject to a revised termination date of June 30 of the fiscal year immediately following the second consecutive fiscal year during which the board operated at a deficit.

Section 2. Tennessee Code Annotated, Section 68-11-216 is amended in subsection (c) (1) by deleting the language "set forth in" and substituting instead the language "established by the board pursuant to".

Section 3. This act shall take effect on July 1, 2005, the public welfare requiring it.